

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

LYNN GREYGOR, ADMINISTRATOR  
OF THE ESTATE OF DEREK T.  
GUIDOS,

CIVIL ACTION NO. 2:14-CV-01254-NBF

Plaintiff,

v.

WEXFORD HEALTH SOURCES, INC.,  
BUTLER HEALTH SYSTEM, INC., BUTLER  
HEALTHCARE PROVIDERS t/d/b/a BUTLER  
MEMORIAL HOSPITAL, BUTLER COUNTY,

Defendants.

**DEFENDANT WEXFORD HEALTH SOURCES CONCISE STATEMENT OF  
MATTERS NOT IN DISPUTE**

And now, comes Defendant Wexford Health Sources, Inc., by and through its attorneys, Murphy Taylor, LLC and, pursuant to local Rule 56.1, presents this Concise Statement of Matters not in Dispute:

1. Derek T. Guidos (age 27) was brought into the Butler County Prison on October 8, 2012. (*Amended Complaint*, ¶¶ 4,17).

2. Defendant Wexford Health Sources, commencing February 1, 2012 was under contract to Butler County to provide medical, mental health, and dental services to inmates of the jail. (*Appendix<sup>1</sup> 1, Contract between Wexford Health Sources and Butler County, first page*)

3. On October 8, 2012, the Butler County Jail prepared an observation report upon Guidos' entrance into the jail. (*App. 2-6, Booking Observation report, five pages*)

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<sup>1</sup> Hereinafter "App"

4. On October 19, 2012, Wexford Health Sources LPN Mohr performed a comprehensive health assessment of Derek Guidos. (*App. 11, Wexford Health Sources Chart regarding Derek Guidos*<sup>2</sup>).

5. On November 6, 2012 at approximately 3:30 p.m., Wexford LPN Nancy J. Mohr was advised by jail correctional officer that Derek Guidos was vomiting up blood. (*App. 7, Chart*)

6. Ms. Mohr then contacted Rebecca Watterson, R.N. (Health Services Administrator for Wexford at the jail) who stated that Derek Guidos should be brought down to the medical unit of the jail for observation. (*App. 7, Chart*)

7. On the same date, November 6, 2012, at 5:00 p.m. LPN Mohr checked Derek Guidos's vital signs in the medical unit, and heard bowel sounds in all four quadrants. (*App. 7, Chart*)

8. On the same date, November 6, 2012 at 5:30 p.m., Derek Guidos vomited - - dark brown in color - - and told not to flush. Doctor will see emesis. (*App. 7, Chart*)

9. On the same date, November 6, 2012 at 7:00 p.m., LPN Mohr gave Derek Guidos one Tylenol 325mg for abdominal pain. He was resting on a bunk in the medical unit. (*App. 7, Chart*)

10. On the same date, November 6, 2012 after 7 p.m., Wexford Health Physician Assistant Jeffrey Houk examined Derek Guidos in the medical unit. Derek Guidos reported that he had nausea and vomiting for 24 hours, can't keep anything down, not even water. Last vomited one hour ago. PA Houk found that Derek Guidos was tender in the mid epigastric with guarding. There is some recent constipation. Physician Assistant Houk ordered Zantac and milk of magnesia, along with an x-ray of the abdomen. (*App. 7, Chart; App.17-19, Houk deposition, pp. 46-48*)

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<sup>2</sup> Hereinafter, "Chart"

11. Physician assistant Houk viewed the vomit referred to at number 8 above and saw nothing that resembled blood. (*App. 20, Houk deposition p. 51*)

12. The same date, November 6, 2012 in the evening, LPN Mohr dispensed Vistaril, milk of magnesia and Pepcid to Derek Guidos. (*App. 12, Medication Administration Record (MAR), part of Wexford Chart [hereinafter "MAR"]*)

13. On November 7, 2012 in the morning, another Wexford nurse dispensed Vistaril, milk of magnesia, and Zantac to Derek Guidos. (*App. 12, MAR*)

14. That same date, November 7, 2012, Derek Guidos underwent an x-ray in the medical unit for an abdominal film. (*App. 7, Chart*)

15. The results of the x-ray in the medical unit showed "normal without evidence of bowel dilation or obstruction. Conclusion: unremarkable abdomen examination." (*App. 13, Radiology report*)

16. On November 8, 2012 in the morning, another Wexford nurse dispensed Vistaril, milk of magnesia and Zantac to Derek Guidos. (*App. 12, MAR*)

17. On the same date, November 8, 2012 at 1 p.m., LPN Mohr charts the inmate is vomiting - - no blood noted - - states he has not moved bowels yet - - given fourth dose of milk of magnesia - - told when he moved bowels we need to know. (*App. 8, Chart*)

18. On the same date, November 8, 2012 another Wexford nurse again dispensed milk of magnesia to Derek Guidos (fifth dose). (*App. 12, MAR*)

19. On the same date, November 8, 2012 Wexford personnel dispensed milk of magnesia to Derek Guidos (sixth dose). (*App. 12, MAR*)

20. Custody officers of the Butler County Jail complete sheets documenting the times that Butler Jail officers go through the area and what they visually see the inmate (Derek Guidos)

doing. (*App. 25-36, "Fifteen Minute Check Sheets"; App. 24, Deposition of Deputy Warden Philip M. Shaffer pp. 80-81*)

21. On the same date, November 8, 2012 at 3:30 p.m., nurse checks on Derek Guidos. (*App. 28, Fifteen Minute Check sheet*)

22. On the same date, November 8, 2012 at 9:40 p.m., Wexford LPN Ruth Ruediger sees the patient in the medical unit of the jail, hears his comments, and assessed his bowel sounds as present in all four quadrants. Medication dispensed to Guidos. Guidos advised he will be assessed in the morning and we would advise the MD. (*App. 8, Chart*)

23. November 9, 2012 at 10 a.m., patient up, taking medications. (*App. 30, Fifteen Minute Checks*)

24. November 9, 2012 in the morning, Wexford Health Sources RN Rebecca Watterson sees Guidos in the medical unit. He reports a decrease in belly pain and nausea. Ms. Watterson checks vital sign, stable. Derek Guidos reports to feel constipated. Is able to push out small amount of hard stool. (*App. 8, Chart*)

25. On November 9, 2012 Nurse Watterson speaks with Physician Assistant Jeff Houk on the phone (regarding Guidos). New orders received. (*App. 8, Chart*)

26. On November 9, 2012, Mr. Houk was advised of the results of the x-ray. (*App. 21, Houk deposition p. 58*)

27. Order for magnesium citrate entered for the patient, on November 9, 2012. (*App. 14, Chart – Order Sheet*)

28. On the same date, November 9, 2012 at noon, Rebecca Watterson RN spoke with Wexford Medical Director James Minshull, M.D. about the patient and reviewed the case of Guidos. No new orders. (*App. 9, Chart*)

29. On the same date, November 9, 2012 Nurse Watterson then speaks with Derek Guidos who is taking and retaining fluids. No further emesis. Derek Guidos denies ingesting any foreign objects and states “Hey I’m just a heroin addict.” Patient resting quietly. (*App. 9, Chart*)

30. On the same date, November 9, 2012 at 3:30 p.m., Nurse Watterson sees Guidos after dry heaving. (*App. 31, Fifteen Minute Checks*)

31. On the same date, November 9, 2012 at 7:30 p.m., nurse checks on the patient - ok. (*App. 31, Fifteen Minute Checks*)

32. On the same date, November 9, 2012 in the evening, Derek Guidos was offered and refused medication. (*App. 12, MAR*<sup>3</sup>)

33. On November 10, 2012 in the morning, Nurse Shaffer offered Zantac to the patient, and he refused it. (*App. 12, MAR*)

34. On the same date, November 10, 2012 at 4:45 p.m., nurse checks on Derek Guidos. (*App. 35, Fifteen Minute Checks*)

35. On the same date, November 10, 2012 in the evening, Derek Guidos is offered and refuses his Zantac medication. (*App. 12, MAR*)

36. On the same date, November 10, 2012, Wexford Health Sources RN Larry Sumansky dispensed citrate of magnesia to Derek Guidos. (*App. 9, Chart*)

37. On November 11, 2012 in the morning, Guidos is offered and refuses his Zantac medication. (*App. 12, MAR*)

38. On the same date, November 11, 2012 at 11 a.m., RN Sumansky in the medical unit speaks with Derek Guidos, who reports that he vomited up the citrate of magnesium from yesterday. Guidos reports that his bowels did not move. Also reports he just had a small bowel

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<sup>3</sup> The medication administration record (MAR) contains the letters “ref” at various times on November 9, 10 and 11. “ref” means “refused.” See deposition of Wexford Nurse Nicole Shaffer Allshouse, *App. 39*.

movement with small amounts of hard, small, pellet type bowel movement. Still not feeling well. (*App. 10, Chart*)

39. On the same date, November 11, 2012 at approximately 2 p.m., LPN on duty reports to Nurse Sumansky what Guidos reported to her that he had another bowel movement of a small amount of soft stool. (*App. 10, Chart*)

40. On the same date, November 11, 2012 at approximately 4:30 p.m., Wexford LPN Nicole Shaffer sees Guidos, who reports an increase in abdominal pain and nausea. On examination, LPN Shaffer finds the abdomen hard and rigid, bowel sounds hypoactive. Inmate transported to Butler Memorial Hospital, after Nurse Shaffer speaks with Becky Watterson. (*App. 8, Chart; App. 40-1, Shaffer/Allshouse Dep. 23-4*)

41. On November 11, 2012 at 5:26 p.m., Derek Guidos arrives at Butler Hospital, accompanied by law enforcement. (*App. 42, Butler Hospital ER record*)

42. At that time, on November 11, 2012, James Minshull, M.D., Emergency Department physician of Butler Hospital, evaluated Guidos in the emergency room. Following a history and physical exam, tests and x-rays, Dr. Minshull diagnosed bowel obstruction, and Guidos was admitted to the hospital from the emergency department that evening. (*App. 42, Butler Hospital ER record*)

43. Dr. Maalouf, the surgeon, did not see the patient until the next day in the hospital at approximately 4:00 p.m., November 12, 2012. (*Amended Complaint, ¶ 37*)

44. The patient was taken to the operating room, but passed away at approximately 6:03 p.m. on November 12, 2012. He went into cardiac arrest and died. (*Amended Complaint, ¶¶ 38-39*)

45. Upon presentation to Butler Hospital, Derek Guidos had a reversible and treatable

surgical emergency. Twenty four hours later, that was not the case. (*App. 43-45, Plaintiff's expert report Steven Wanamaker, p. 2*)<sup>4</sup>

46. Appendix pgs. 46-8 constitute the table of contents for the Wexford Health Sources Policy Manual at the Butler County Jail, effective at the time of Derek Guidos' admission in 2012.

47. James Minshull, M.D. is the medical director of Wexford Health Sources at the Butler County Jail. Separately, he is an emergency room physician at Butler Memorial Hospital, with a separate medical practice, unrelated to Wexford Health Sources. (*App. 50, Minshull dep, pg. 12*)

*Respectfully Submitted,*

Murphy Taylor, L.L.C.

*s/Peter J. Taylor*

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<sup>4</sup> By referencing this segment of the report/opinion of opposing expert Wanamaker, Wexford is not waiving its opportunity and right to challenge any aspect of the report/opinions of Dr. Wanamaker at trial or for any other purposes.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **DEFENDANT WEXFORD HEALTH SOURCES CONCISE STATEMENT OF MATTERS NOT IN DISPUTE** was electronically served on this 4th day of December, 2015, upon the following attorneys of record as follows:

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